

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20507 of 2017

Arising Out of PS.Case No. -442 Year- 2015 Thana -NARPATGANJ District- ARRARIA

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Lattar Sharma Son of late Gulay Sharma, resident of Village- Bibiganj,
Police Station- Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Earlier, petitioner moved for grant of bail, which was
rejected by order dated 25.05.2016 passed in Cr. Misc. No. 16917
of 2016 considering the period of custody and other evidences.

Petitioner is languishing in jail custody since
01.12.2015 in connection with Sessions Trial No. 222 of 2016,
arising out of Narpatganj P.S. Case No. 442 of 2015 registered for
the offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, who
is the wife of the deceased, is that co-villager, Brahmdeo Sharma
took her husband to his house. Her husband had told that he would



return within ten minutes. It is further alleged that when her husband did not return for half an hour, she and her family members went to the house of Brahmdeo Sharma where she saw that about 10-15 persons armed with deadly weapons, killed her husband after tying his legs and hands and having seen her, accused persons started to flee away. She claimed to have identified 12 persons in torch light.

It has been submitted by the counsel for the petitioner that he is innocent, has no criminal antecedent and there was general and omnibus allegation against 10-15 persons and as many as 12 persons have been named in the First Information Report, including the petitioner. He further submits that as per the postmortem report only two injuries have been found on the body of the deceased, which cannot be attributable only to the petitioner. He submits that there is land dispute between one of the accused, Shyamdeo Sharma and the petitioner and the deceased was a person of bad character and criminal antecedent, as one of the ladies of the village, Amoliya Devi had lodged complaint case, bearing Complaint Case No. 3159C of 2015 against him and the deceased must have been beaten by the villagers and just because of land dispute, petitioner has been falsely implicated. He further submits that no weapon has been recovered from the possession of



petitioner and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Araria in connection with Sessions Trial No. 222 of 2016, arising out of Narpatganj P.S. Case No. 442 of 2015, subject to the condition that petitioner will appear during trial before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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